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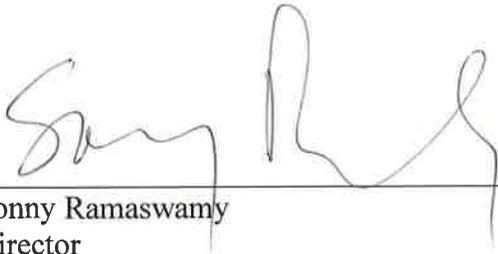
National Institute of Food and Agriculture
Washington, DC 20024

National Institute of Food and Agriculture

Limited English Proficiency (LEP) Implementing Strategy for Federally Assisted Programs

The purpose and objective of the NIFA, LEP language access planning and implementation is to ensure that Agency recipients and cooperators communicate effectively with Limited English Proficient beneficiaries. This can be achieved through implementing compliance requirements for each program area, including activities, methodologies, organizational structures, educational materials, and announcements. These requirements are presented and discussed in detail in appropriate sections of the presentations in the LEP documents. Also, LEP implementing strategy, language access implementing plan, and the relevant USDA regulation can be found on NIFA's website www.nifa.usda.gov

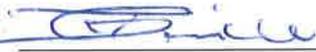
LEP plans and procedures serve as a basis for administrative decisions and actions. These plans and procedures, at best, represent a serious attempt to provide specific answers and rather precise and detailed guidance for many problematical situations. Although additional interpretation and application of the regulations will, no doubt, become necessary and the sincerity of purpose demonstrated in this regard will in large measure determine our success. The plan is subject to periodic review and updates.



Sonny Ramaswamy
Director
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DATE



Curtiland Deville
Director
Equal Opportunity Staff



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PURPOSE

This Limited English Proficiency (LEP) Implementation Strategy of U.S. Department of Justice and United States Department of Agriculture Guidance sets forth the recommended strategy and step-by-step procedures for ensuring that persons with Limited English proficiency (LEP) have meaningful access to programs and activities receiving Federal financial assistance from the National Institute of Food and Agriculture (NIFA) of the U.S. Department of Agriculture (USDA). It provides technical assistance to help recipients and sub-recipients implement USDA's Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons With Limited English Proficiency and to come into and maintain compliance with LEP requirements.

This guidance does not impose any new requirements, but reiterates longstanding Title VI and regulatory principles and clarifies USDA and NIFA's positions that, in order to avoid discrimination against LEP persons on the ground of national origin, recipients must take reasonable steps to ensure the LEP persons receive the language assistance necessary to afford them meaningful access to NIFA's programs and activities, free of charge. By following the recommendations and using the resources contained herein, recipients should be better able to prepare and implement language assistance plans and to effectively communicate with LEP individuals who interact with their organizations.

POLICY

USDA is committed to providing meaningful access to its programs and services to persons who, as a result of national origin, are limited in English proficiency. It is USDA's policy to ensure no person is subject to prohibited discrimination in programs receiving Federal financial assistance from USDA or its agencies based on national origin.

NIFA provides leadership in planning, developing, and coordinating implementation of the intent of federal nondiscrimination laws and U.S. Department of Agriculture's (USDA) equal opportunity policy for NIFA federally assisted programs under Title VI of the Civil Rights Act of 1964. The goal of the NIFA Civil Rights and Equal Opportunity Program is to ensure that business is done in a manner that customers have equal access to federally assisted programs and that all employees treat customers and co-workers fairly, equitably, with dignity, and with respect. NIFA seeks to create a culture of accountability to maximize equal opportunity and civil rights performance and to promote an environment that values cultural differences and diversity, and leverages them for greater productivity. (See attachments 1a, the NIFA Civil Rights Policy Statement and 1b, the NIFA Diversity and Inclusion Policy Statement signed by the NIFA Director.)

NIFA/USDA Civil Rights Policy Statements:

<http://nifa.usda.gov/civil-rights-equal-employment-opportunity>

- [USDA Anti-Harassment Policy Statement](#)
- [USDA Civil Rights Policy Statement](#)
- [NIFA Diversity and Inclusion Policy Statement](#)
- [NIFA Civil Rights Accountability Policy and Procedures](#)
- [NIFA Civil Rights Policy Statement](#)
- [NIFA Harassment Policy Statement](#)
- [NIFA Equal Employment Opportunity Statement](#)
- [NIFA Sexual Harassment Policy Statement](#)

For More Information Contact:

Questions about NIFA's LEP guidance should be addressed to:
Equal Opportunity Staff
National Institute of Food and Agriculture
800 9th Street, S.W.
Washington, DC 20024
202.720.2700

AUTHORITIES

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, and its implementing regulations provide that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives Federal financial assistance. The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted Title VI regulations promulgated by the former Department of Health, Education, and Welfare to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination.

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services. The Executive Order states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. Federal agencies were instructed to publish guidance for their respective recipients in order to assist them with their obligations to LEP persons under Title VI. The Executive Order recommended uniform guidance to recipients on the preparation of a plan to improve access to its federally assisted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the Department of Justice's Policy Guidance Document entitled, "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" ("DOJ LEP Guidance"), reprinted at 67 FR 41455 (June 18, 2002). The DOJ LEP Guidance was drafted and organized to function as a model for similar guidance by other Federal agencies.

Consistent with the DOJ LEP Guidance, USDA published its Final Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons With Limited English Proficiency on November 28, 2014. The Guidance does not create new obligations for recipients, but provides guidance to recipients in meeting their existing LEP obligations. It clarifies the responsibilities of recipients and will assist them with fulfilling their responsibilities to LEP persons under Title VI and its regulations. In many instances NIFA University and other institutional partners may have LEP policies, plans and procedures currently in place.

DEFINITIONS/KEY TERMS

- (1) *Federally Assisted Programs and Activities*-- Programs and activities of an entity that receives Federal financial assistance.
- (2) *Interpretation*-- The process by which the spoken word is used when transferring meaning between languages.
- (3) *Limited English Proficient (LEP) Persons*—Persons who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English are limited English proficient, or LEP.
- (4) *OCPTCT*--This office is responsible for the supervision and oversight of four divisions, compliance, policy, training and cultural transformation. The oversight responsibilities include the management of all work products, collaboration with USDA agencies, quarterly and annual reports and liaison with other federal agencies.
- (5) *Qualified Interpreter*: An individual who is competent to provide interpretation services at a level of fluency, comprehension, impartiality and confidentiality appropriate to the specific nature, type, and purpose of the information at issue.
- (6) *Translation*. The process of transferring ideas expressed in writing from one language to another language.
- (7) *Vital Document*. Paper or electronic written material that contains information that is critical for accessing a program or activity, or is required by law, such as consent forms, applications, and notices of rights.

SCOPE

This implementation strategy and LEP guidance applies to all programs and activities receiving Federal financial assistance from the National Institute of Food and Agriculture. Further, all recipients and sub-recipients receiving federal financial assistance from NIFA are subject to any and all provisions outlined in this guidance and any subsequent policies, procedures and/or processes developed as result of this implementation strategy and LEP guidance.

NIFA BACKGROUND/MISSION

<http://nifa.usda.gov/>

The National Institute of Food and Agriculture (NIFA) is an agency within the U.S. Department of Agriculture (USDA), one of four USDA agencies in the **Research, Education, and Economics (REE)** mission area. The other three agencies are:

- **Agricultural Research Service (ARS)**
- **Economics Research Service (ERS)**
- **National Agricultural Statistics Service (NASS)**

NIFA's Mission:

Invest in and advance agricultural research, education, and extension to solve societal challenges.

NIFA's Vision:

Catalyze transformative discoveries, education, and engagement to address agricultural challenges.

NIFA Goals:

Our goals include advancement and application of science and technological tools in order to:

- Achieve global food security and fight hunger
- Mitigate climate change impacts on agricultural, forest, and rangeland systems
- Improve and increase the production of goods and services from working lands while protecting the nation's natural resource base and environment
- Contribute to the nation's energy independence through sustainable production of bioenergy and bio-based industrial products
- Combat childhood obesity by ensuring the availability of affordable, nutritious, and safe food and providing individuals and families science-based nutritional guidance
- Ensure the development of human capital, communities, and a diverse workforce

NIFA invests in and advances agricultural **research, education, and extension** programs to solve societal challenges. NIFA has *partnerships* with the *Land-Grant University System* and government, private, and non-profit organizations. NIFA's two key mechanisms for accomplishing its mission of "advancing knowledge" are:

- **National program leadership.** NIFA programs enable the scientific community to make discoveries that improve the food and agricultural sectors, the environment, and the quality of people's lives.
- **Federal assistance.** NIFA supports research, education, and extension activities through three primary funding mechanisms – competitive grants, capacity grants, and non-competitive grants.

NIFA integrates research, education, and extension to ensure that groundbreaking discoveries in the food, agriculture, natural resources, and human sciences go beyond the laboratory and make their way into the classroom and to people who can put the knowledge into practice and improve people's lives. **Research** enables discovery of knowledge to provide answers to complex problems of national and global importance. **Education** strengthens schools and universities to educate and train the next generation of scientists, educators, producers, and citizens, and prepare the workforce for a thriving economy. **Extension** translates the knowledge gained through research and education into innovations that can provide solutions to problems people face.

Through several authorities, NIFA participates with State and other cooperators to encourage and assist the State institutions in the conduct of agricultural research and education through the State Agricultural Experiment Stations (SAES) of the 50 States and the territories; approved Schools of Forestry; the 1890 Land-Grant Institutions and Tuskegee University, West Virginia State University, and Central State University (7 U.S.C. 321 et seq., as amended by Pub. L. 113-79); 1994 Land-Grant Institutions (7 U.S.C. 301 note, as amended by Pub. L. 113-79); Colleges of Veterinary Medicine; and other eligible institutions. The appropriated funds provide Federal support for research and education programs at these institutions.

The State institutions and other partners undertake research to develop a permanent and sustainable agriculture and forestry system, and to help improve the economic and social welfare of rural and urban families.

Because of differences in climate, soil, market outlets, and other local conditions, each State has distinct problems in the production and marketing of crops and livestock. Farmers, foresters, and rural people in the individual States naturally look to their SAES, universities, and colleges for solutions to the State and local problems and request services to help meet changing conditions.

NIFA's higher education mission is carried out in partnership with States, universities, and the private sector. The National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3101 et seq.) designated NIFA as the lead Federal agency for higher education in the food and agricultural sciences. NIFA has implemented that charge with a broad array of initiatives to link teaching, research, and extension; to improve the training of food and agricultural scientists and professionals; and to strengthen the quality of education programs throughout the nation.

The mission of the Cooperative Extension System, a national educational network, is to help people improve their lives through an educational process that uses scientific knowledge focused on issues and needs. Cooperative Extension work was established by the Smith-Lever Act of May 8, 1914, as amended. This work is further emphasized in Title XIV of NARETPA to fulfill the requirements of the Smith-Lever Act, the Cooperative Extension Service in each State, the District of Columbia,

Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas, and Micronesia conduct educational programs to improve American agriculture, communities of all sizes, and strengthen families throughout the United States. This publicly funded, out-of-the-classroom educational network combines the expertise and resources of Federal, State and local partners.

The partners in this unique system are:

- ✓ NIFA;
- ✓ State and local governments; and
- ✓ Cooperative Extension Service at Land-Grant universities in nearly all of the 3,143 counties or county equivalents throughout the United States and its territories.

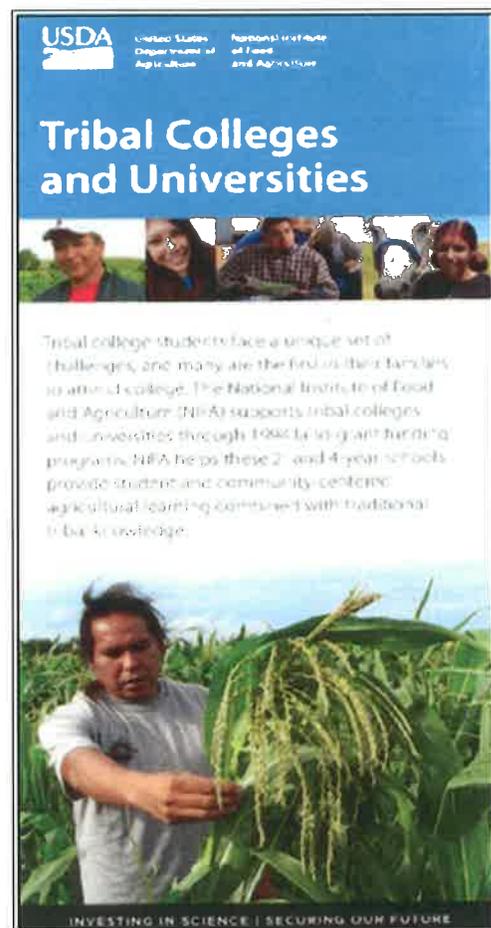
Thousands of Extension employees and millions of volunteers support this partnership and magnify its impact. Strong linkages with both public and private external groups are also crucial to the Extension System's strength and vitality.

NIFA undertakes its mission through National Program Leaders and staff organized into four Institutes and one center Institute of Food Production and Sustainability; Institute of Bioenergy, Climate, and Environment; Institute of Food Safety and Nutrition and Institute of Youth, Family, and Community, and the Center for International Programs. NIFA provides grant support to NIFA staff and partnering institutions through the Office of Grants and Financial Management.

The majority of NIFA funds are distributed as federal financial assistance with Land-Grants receiving most of the funds. NIFA itself does not conduct any programs and, therefore, all recipients and sub-recipients are subject to Title VI civil rights enforcement as recipients of federal financial assistance.

NIFA works with the best and brightest scientists in the United States and around the world to find innovative solutions to local and global problems. Of note, NIFA collaborates with Minority Serving Institutions including Historically Black Colleges and Universities such as its 1890 Land-Grant partners, 1994 Land-Grant partners (tribal colleges and universities) and Hispanic serving institutions (HSIs). Collaboration with these minority serving institutions, along with our work with the 1862 Land-Grant partners and other institutions across the Nation, ensures the benefits of NIFA's resources extend to everyone. With an integrated approach that includes collaboration with other federal science agencies, NIFA also serves as a vital contributor to science policy decision-making.

Although NIFA does not exercise line authority over its grant recipients and any sub-recipients NIFA does have certain statutory oversight responsibilities and authority for the funds that it awards to these institutions and cooperators. This oversight includes civil rights and including services for LEP persons.



While nearly all universities have research and education as their core responsibilities, Land-Grant Universities also have a Federal Government-mandated extension (outreach) responsibility. This means they are directed by law to offer noncredit, tax-supported educational programs and information based on the results of university research to the public.

NIFA Land-Grant partners include:

- More than 130 colleges of agriculture
- 59 agricultural experiment stations
- 57 cooperative extension services
- 63 schools of forestry
- 27 colleges of veterinary medicine
- 42 schools and colleges of family and consumer sciences
- Over 418 Minority Serving Institutions
 - Tuskegee University, West Virginia State College, Central State University and the other 16 historically black colleges and universities
 - 36 Native American land-grant institutions
 - 17 Alaskan native-serving and Hawaiian native-serving institutions
 - More than 350 Hispanic-Serving Institutions

FEDERALLY ASSISTED PROGRAMS

NIFA as noted in its mission has three assisted programs; Research, Extension and Education (see the attachment 2, NIFA Assisted Program Chart.”

Agricultural Research--State institutions conduct research on the problems continuously encountered in the development of a permanent and sustainable agriculture and forestry system, and in the improvement of the economic and social welfare of rural and urban families.

Extension Programs--The mission of Cooperative Extension System, a national education network, is to help people improve their lives through an educational process that uses scientific knowledge focused on issues and needs.

Education (teaching) Programs--Education programs strengthen schools and universities to educate and train the next generation of scientists, educators, producers, and citizens, and prepare the workforce for a thriving economy. The Department's (USDA) higher education mission is carried out in strong alliance with the State and Territories, Universities, and the private sector.

NIFA and Assisted Program Operations

NIFA's outreach and monitoring is extensive. There is daily contact with NIFA partners including the *Land-Grant University System* and government, private, and non-profit organizations. NIFA's staff conducts workshops, seminars and/or webinars on a continuous basis. NIFA conducts program and civil rights reviews of recipient organizations. NIFA program leaders and civil rights staff provide training and consultation to Land-Grant institutions and other partners as needed. The NIFA Director and heads of the four program Institutes and the International Unit constantly visit University partners. NIFA and its University partners jointly conduct an annual meeting of Administrative Officers.

LEP IMPLEMENTATION STRATEGY (NIFA Recipients)

All NIFA recipients of federal financial assistance are required to take reasonable steps to ensure LEP persons have meaningful access to their programs and activities. Elements of a recipients LEP strategy are noted in the following sections:

Four Factor Analysis (Identification and Assessment of LEP Communities)

NIFA recipients of federal financial assistance are required to take reasonable steps to ensure LEP persons have meaningful access to their programs and activities including assessing the need for services. The U.S. Department of Justice LEP guidance and United States Department of Agriculture LEP guidance (attachment 3) require recipients as a starting point apply an individual assessment and plan how to "reasonably" address barriers posed by language¹. The Department of Justice allows flexibility in response to LEP needs based on each entity's resources and urges providing "meaningful access" based on "identifying individuals who need language assistance."² Designed to be a flexible and fact-dependent standard, the starting point in determining LEP person's needs is an individualized assessment that balances the following *four factors*:

- (1) The number or proportion of LEP persons in target or eligible population
- (2) Frequency of contact (daily, monthly, occasional, etc.)
- (3) Nature and importance of program or activity ("life and death" vs. general or extracurricular information)
- (4) Resources available to implement LEP and costs (small organization vs. large one; and, overall budget and resources of institution)

NIFA's recipients should apply the four factors to the various kinds of contacts that they have with the public to assess language needs and decide what reasonable steps they must take to ensure meaningful access for LEP persons. Of note, LEP services are to be provided at no cost to the LEP person. NIFA's LEP toolkit (attachment 5) is also attached as a reference.

¹ Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons with Limited English Proficiency; Policy Guidance. Federal Register/Vol. 65 no.159/Wednesday, August 16, 2000/ Notices.

² Department of Justice Limited English Proficiency Guidance, Final Guidance on Limited English Proficiency Implementation, June 18, 2002. www.justice.gov/crt/about/cor/lep/DOJFinLEPFRJun182002.php

(1) *The Number or Proportion of LEP Persons Served or Encountered in the Eligible Service Population.*

One factor in determining what language services recipients should provide is the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population. The greater the number or proportion of LEP persons within the eligible service population, the more likely language services are needed.

Ordinarily, persons “eligible to be served or likely to be directly affected by” a recipient’s program or activity are those who are served or encountered in the eligible service population. The eligible service population is program/activity-specific, and includes persons who are in the recipient’s geographic service area as established by USDA, State or local authorities, or the recipient, as appropriate, provided that those designations do not themselves discriminatorily exclude certain population.

NIFA Plans of Work, grant agreements, and terms of grants typically define the likely service area. Land-Grant University overall programs usually provide services in the entire State or territory. Or Land-Grant partners may have memorandums of understanding defining eligible audiences.

All recipients should utilize any and all available data sources to determine the potential LEP persons in the serviced area. Resources for population data include:

- US Census and American Population Estimates www.uscensus.com
- US Census of Agriculture <http://www.agcensus.usda.gov/>
- Pew Research Center <http://www.pewhispanic.org/>
- DOJ LEP demographic data http://www.lep.gov/demog_data/demog_data.html
- US Census language center <http://www.census.gov/topics/population/language-use/data.html>

(2) *The Frequency With Which LEP Persons Come Into Contact With the Program or Activity.*

Recipients should assess, as accurately as possible, the frequency with which they have or should have contact with an LEP person from different language groups seeking assistance. The more frequent the contact with a particular language group, the more likely that enhanced language services in that language are needed. The steps that are reasonable for a recipient that serves an LEP person on a one-time basis will be very different than those expected from a recipient that serves LEP persons daily. It is also advisable to consider the frequency of different types of language contacts. For example, frequent contact with Spanish-speaking people who are LEP may require certain assistance in Spanish.

But even recipients that serve LEP persons on an unpredictable or infrequent basis should use this balancing analysis to determine what to do if an LEP person seeks services under the program in question.

(3) *The Nature and Importance of the Program or Activity or Service by the Program.*

The more important the information, service, or benefit provided in a program or activity, or the greater the possible consequences of the contact to LEP persons, the more likely language services are needed. For instance, in determining importance, the obligation to communicate information on the availability of emergency food assistance in a designated disaster area may differ significantly from the obligation to communicate information on the opportunity to attend a one-time free luncheon at a community recreation center. A recipient needs to determine whether denial or delay of access to have serious or even life-threatening implications for an LEP person.

(4) The Resources Available to the Recipient and Costs.

A recipient's level of resources and the costs that would be imposed on it may have an impact on the nature of the steps it should take. Smaller recipients with more limited budgets are not expected to provide the same level of language services as those with larger budgets. In addition, "reasonable steps" may cease to be reasonable where the costs imposed substantially exceed the benefits. Resource and cost issues, however, can often be reduced by technological advances; the sharing of language assistance materials and services among and between recipients, advocacy groups, and Federal agencies; and reasonable business practices. Where appropriate, training bilingual staff to act as interpreters and translators, information sharing through industry groups, telephonic and video conferencing interpretation services, pooling resources and standardizing documents to reduce translation needs, using qualified translators and interpreters to ensure that documents need not be "fixed" later and that inaccurate interpretations do not cause delay or other costs, centralizing interpreter and translator services to achieve economies of scale, or the formalized use of qualified community volunteers, for example, may help reduce costs. Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns³.

NIFA Financial Recipients' Language assistance program

NIFA recipients and sub-recipients of federal financial assistance are strongly encouraged to conduct an LEP self-assessment and to develop LEP policy directives, a LEP plan and procedures to fully implement a LEP program. The DOJ self-assessment tool is included in attachment 4. This self-assessment tool will help recipients assess the total needs and resources needed to assure LEP persons receive meaningful access to the recipients' programs and activities.

This is especially critical for Land-Grant Universities and other larger partnering institutions. In many instances NIFA University and other institutional partners may have LEP policies, plans and procedures currently in place. These plans must be updated to assure compliance with USDA's LEP guidance (attachment 3) and NIFA's LEP implementation strategy and guidance. This process should include a method for public notification to LEP persons and training for staff. The attached NIFA "LEP Took Kit" (attachment 5) is a resource to assist recipients in the development of an LEP policy, procedure and process to provide access to LEP persons.

³ Rules and Regulations, Federal Register, Vol. 79, No. 229, Friday, November 28, 2014. Department of Agriculture, 7 CFR 15 Part 15. "Guidance to Federal Financial Assistance Recipients Regarding the title VI Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency." Pages 70778 and 70779

While a recipient may attempt to operate without one, it is prudent for NIFA recipients to develop a LEP plan including a LEP policy that outlines a purpose, operational goals, and basic procedures the organization will follow to assure LEP persons have access to programs and to implement a LEP plan. A LEP policy defines which languages will be included, which organizational units will be involved in carrying out the policy and which responsibilities will fall to various units and individuals. It would detail how LEP needs would be determined; how funding would be established and allocated; and how the implementation will be evaluated and revised. NIFA partners are expected to translate materials into any language as needed at no cost to the LEP person.

NIFA anticipates and expects that a vast majority of University and other institutional partners already have or will likely develop a written LEP plan to reap full benefits that a plan will provide to the recipient and ultimately the customer and/or beneficiary. Any LEP plan should have contingencies for serving even one or two people, if the nature or importance of the information is legal, medical, health or safety-related, or involves securing eligibility or applying for a program such as the Expanded Food Nutrition and Education Program.

Policy directives set forth standards, operating principles and guidelines that will govern the delivery of the appropriate language services. The LEP policies are crucial elements in an overall LEP process. Examples may include directives for staff training, translation services, bilingual staff, and performance measures.

The Department of Justice outlined the key elements of an **LEP plan**. NIFA again strongly recommends recipients develop plans to include: 1) Identification of persons charged with implementing the plan; 2) Identification and assessment of LEP communities. Recipients should include what resources and process to conduct an assessment of LEP needs including a timeline to conduct the four factor analysis. Recipients must develop a data collection and management system to provide data of sufficiency to assure compliance with Title VI LEP requirements; 3) A description of the timeframe, objectives, and benchmarks for work to be undertaken; 4) Identification of funding and procurement for LEP services such as interpreters and translators; 5) Notice of language assistance services i.e. Public notification plan for LEP persons; 6) How and when monitoring of the LEP program will occur and when to update the plan, policies and procedures; and 7) Collaboration with LEP communities, inclusion of LEP persons on advisory groups and contact with other stakeholders.

Language access **procedures** should include detailed steps to be followed to provide language assistance services, gather data and deliver services. Language procedures will often explain or define for staff and customers how services will be provided and how to access services and/or support. Organizational procedures are crucial to assuring interpreters and translators are qualified and sufficient to support LEP services.

MONITORING EVALUATION

NIFA's recipients of federal financial assistance must include LEP as a component of current internal civil rights monitoring programs that are expected of any recipient and sub-recipient of federal financial assistance and/or of a United States contractor. LEP is included in NIFA's civil rights monitoring through the on-site review process of Research (and education) and Extension programs. NIFA review schedules are posted annually.

Recipients must maintain records and data of sufficiency to assure non-discrimination in all programs subject to Title VI civil rights enforcement including demonstrating the extent of LEP services and resources allocated to LEP in accordance with terms and conditions of NIFA grants and funding requirements. NIFA's (and recipient internal) monitoring process may include but not be limited to:

- Surveying staff on how often they use language assistance services, if they believe there should be changes in the way services are provided or the providers that are used, and if they believe that the language assistance services in place are meeting the needs of the LEP communities in the service area.
- Conducting customer satisfaction surveys of LEP applicants and beneficiaries based on their actual experience of accessing the agency's benefits, programs, information, or services.
- Observing and evaluating agency interactions with LEP individuals.
- Soliciting feedback from community-based organizations and other stakeholders about the agency's effectiveness and performance in ensuring meaningful access for LEP individuals. Recipients must ensure LEP persons concerns' are represented on advisory committees.
- Keeping current on community demographics and needs by engaging school districts, faith communities, refugee resettlement agencies, and other local groups.
- Considering new resources including funding, collaborations with other agencies, human resources, emerging technology, and other mechanisms for ensuring improved access for LEP individuals.
- Monitoring the response rate to complaints or suggestions by LEP individuals, community members, and employees regarding language assistance services provided⁴.

As part of and LEP plan, recipients are strongly encouraged to include an internal evaluation process or method for self-assessment of the recipient's LEP program. As an example recipients are encouraged to utilize the DOJ "Sample Self –Assessment" tool⁵ available in the DOJ, Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs. Federal Coordination and Compliance Section. Civil Rights Division. U.S. Department of Justice. May 2011.

TRAINING

Recipient staff training

NIFA recommends recipients conduct Title VI training to and in particular LEP training at the initial stages of a grant and/or program development and at least every two years afterwards. However, training should also be conducted as warranted if complaints or other LEP concerns arise. A complete LEP plan will include training of individuals most likely to provide services to LEP persons as a must component of an LEP plan.

NIFA will continue to offer LEP training as a component of the Annual Administrative Officers conference, as requested by recipient partners and as needed. In addition NIFA offers training to recipients and their staff. Contact NIFA EOS for LEP training information:

⁴ Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs. Federal Coordination and Compliance Section. Civil Rights Division. U.S. Department of Justice. May 2011.

⁵ Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs. Federal Coordination and Compliance Section. Civil Rights Division. U.S. Department of Justice. May 2011. B "A Sample self-assessment." Pages 8-11.

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NIFA training of Agency staff

NIFA will provide LEP training to NIFA staff on an ongoing basis. LEP training will be included in NIFA's Civil Rights training program. NIFA will train all staff with primary program functions including but not limited to NIFA Institute and program unit heads, National Program Leaders, and Program Specialists.

All elements of a LEP program will be included in training with an emphasis on the responsibilities, requirements and monitoring of recipients receiving NIFA federal financial assistance.

RECIPIENT PUBLIC NOTIFICATION TO LEP PERSONS

NIFA recipients must assure LEP persons are notified of LEP services offered by the recipient. These services must be offered free of charge. Recipient's public notification must be in accordance with USDA Departmental Regulation 4300-003 "Equal Opportunity Public Notification Policy" (Attachment 6).

Recipients should incorporate an LEP public notification process as a component of an overall communication plan. The plan should clearly notify LEP persons of the recipient's LEP policy, procedures and LEP plan, how to access language interpreters and/or translators and inform the LEP persons that services are free of charge. Based in part on the four factor analysis, recipients must determine which materials will be translated and into what language. Many recipient will require oral interpretation for educational or research programs. Recipients however, must ensure that oral interpreters and translators are competent and have technical expertise especially where research findings are being disseminated.

Several factors must be considered for oral interpretation including competence of interpreters, whether or not to use Bilingual staff and using family members, friends or other informal interpreters. Guidance on oral interpretation is provide in USDA's LEP guidance for federal financial assistance recipients (attachment 6 pages 70779-70781.) Written Language Services are required in many cases where the nature of the importance of the information is medical, health, safety-related or legal or involves securing eligibility or applying for a program. For example such written material could include but not be limited to:

- Applications to participate in a recipient's program or activity or to receive recipient benefits or services;
- Consent forms, complaint forms, intake forms, letters containing important information related to participation (such as cover letters outlining conditions of participation in a loan program or committee election);
- Written notices pertaining to eligibility requirements, rights, losses, denials, decreases in benefits or services, foreclosures, or terminations of services or benefits and/or the right to appeal such actions;
- Notices advising LEP persons of the availability of free language assistance;

- Written tests that do not assess English language proficiency, but test competency for a particular license, job, or skill for which knowing English is not required;
- Outreach materials; and
- Any documents that require a response from applicants, beneficiaries, and other participants.

USDA has noted several actions that will be considered strong evidence of compliance with the recipients' written-translation obligations. These actions are noted as "Safe Harbor Provisions" in the USDA guidance (attachment 6, pages 70782.)

RESOURCES

- ✓ Attachment 1-NIFA Civil Rights Policy
- ✓ Attachment 2-NIFA Federal Assisted Programs
- ✓ Attachment 3-USDA LEP Guidance
- ✓ Attachment 4-DOJ Language Access Assessment and Planning Tool for Federally Conducted and Assisted Programs
- ✓ Attachment 5- NIFA 2011 LEP toolkit
- ✓ Attachment 6- USDA Departmental Regulation 4300-003, Equal Opportunity Public Notification Policy
- ✓ NIFA Civil Rights: <http://nifa.usda.gov/civil-rights-equal-employment-opportunity>
- ✓ DOJ LEP Guidance: http://www.lep.gov/guidance/guidance_DOJ_Guidance.html
- ✓ DOJ interpretation and translation: http://www.lep.gov/interp_translation/trans_interpret.html
- ✓ Executive order 13166: <http://www.lep.gov/13166/eo13166.html>
- ✓ Demographic data: http://www.lep.gov/demog_data/demog_data.html
- ✓ LEP website: <http://www.lep.gov/>
- ✓ Questions about NIFA's LEP guidance should be addressed to:
Equal Opportunity Staff
National Institute of Food and Agriculture
800 9th Street, S.W.
Washington, DC 20024
202.720.2700